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59. The secondary carpet backing of Claim 58 in which the polypropylene yarns are woven in a leno weave.

REMARKS

The restriction requirement and rejections set forth in the outstanding action are discussed below under headings corresponding to those in the action. Before addressing those matters, the amended and new claims presented herein and their basis in the specification are discussed in the immediately following paragraphs.

Independent claim 15 has been amended to recite that the nonwoven adhesive fabric is a self-bonded or spunbonded nonwoven fabric comprising continuous filaments of a thermoplastic resin, and that the supporting fabric is a tuftable woven primary backing fabric with thermoplastic warp and weft yarns of substantially rectangular cross-sections or an open weave secondary backing fabric with thermoplastic warp yarns and weft yarns that are spun yarns or that have a substantially rectangular cross-section. Amended claim 16 and new claims 40-51 depend directly or indirectly from claim 15, with claims 16 and 40-45 being for primary carpet backings and claims 46-50 directed to secondary carpet backings. New independent claim 52, and claims 53-59 which depend therefrom, are for secondary carpet backings having a needlepunched nonwoven fabric comprising filaments of a thermoplastic resin needled or thermally bonded to an open weave fabric woven from thermoplastic warp and weft yarns. Claims 18, 20 and 22 have been cancelled.

The amendments to claims 15 and 16 and the new claims are supported in the description and do not constitute new matter.

The recitation in claim 15 that the nonwoven adhesive fabric is a self-bonded or spunbonded nonwoven fabric comprising continuous filaments of a thermoplastic resin, together with the specific recitations of spunbonded and self-bonded nonwovens in new claims 42, 43, respectively, are supported at page 11 line 19 to page 12 line 11, describing nonwoven fabrics as preferred, with self-bonded continuous filament nonwovens being especially preferred (page 11 lines 24-27; page 12 lines 3-7) and spunbonded nonwovens disclosed at page 12 lines 3-7 and having continuous filaments and certain other attributes similar to those of the self-bonded fabrics as seen from Table I at Column Col. 10 l. 32-46 of the Eaton patent, US 5,173,356, which is incorporated by reference in the subject application (page 11 lines 24-27). The amendment to claim 15 with respect to the supporting fabric being a woven, tuftable primary backing fabric or an open weave secondary fabric, together with the specific recitations of primary and secondary carpet backings in amended claim 16 and new claim 46, respectively, are supported at page 14 lines 6-18 with respect to primary backings and fabrics and at page 14 lines 19-35 with respect to secondary backings and fabrics.

New claim 40, reciting a primary carpet backing in which the supporting fabric is a polyolefin fabric, is supported at page 14 lines 6-9.

Primary backings woven from polypropylene yarns, as recited in new claim 41, are described as preferred at page 14 lines 16-19 and the primary backings in the examples of the application are woven polypropylene backings.

New claims 44 and 51, further characterizing adhesive fabrics with regard to melting points of the thermoplastic

resins of their filaments, are supported in claim 19 as originally filed.

New claim 45, directed to primary backings according to claim 16 tufted with carpet face yarn, finds support in at page 14 lines 9-12, referring specifically to tufting of backings, and in those of the examples (e.g., Examples 1, 3-8, 13-16) in which woven polypropylene primary backings needed to continuous filament nonwovens were tufted, as described specifically at page 17 lines 7-11.

Secondary backing supporting fabrics with spun weft yarns, as recited in new claim 47, are described at page 14 lines 19-22.

Secondary backing supporting fabrics with polypropylene yarns, as recited in new claim 48, are described at page 14 lines 30-32.

The 16 X 5 count supporting fabric construction of polypropylene warp tapes and polypropylene spun weft yarns according to claim 49 and the leno weave construction of such yarns in such counts according to claim 50 find support in the description of secondary backing supporting fabrics used in the examples at pages 20-21 of the specification, all of which were 16 X 5 count weaves, and one of which, designated R-921 and described at the top of page 21, was a leno weave fabric.

New claim 52, which is for secondary backings in which a needlepunched nonwoven fabric comprising thermoplastic filaments is needled or thermally bonded to an open weave fabric woven from yarns defined as in claim 46, finds support at page 12 lines 3-7 with respect to the needlepunched nonwoven fabric and at page 14 lines 19-35 with respect to the open weave fabric and its yarns. Page 12 lines 3-7 also describe continuous filaments and staple

fibers, as recited in claim 53 and claims 54 and 58, respectively.

Open weave supporting fabrics with polypropylene yarns, as recited in claim 55, are described at page 14 lines 30-35.

Secondary backing supporting fabrics with spun weft yarns, as recited in new claim 56, are described at page 14 lines 19-22.

Finally, the 16 X 5 and leno weave fabric constructions of polypropylene warp tapes and polypropylene weft spun yarns recited in claims 57 and 59 are supported in the examples at pages 20-21, as discussed above in connection with claims 49 and 50.

In view of the above, the new and amended claims find adequate basis in Applicants' specification and do not constitute new matter.

Election/Restrictions

In response to the requirement for restriction among Group I, claims 1-3 and 8-10 for carpet; Group II, claims 15, 16, 18, 20 and 22, for carpet backing fabric; and Group III, claims 26, 27, 31, 32, 35, 36, 38 and 39, for a process for making carpet, the provisional election made by the undersigned during a telephone conversation with the Examiner, Ms. Juska, on June 5, 2002, is affirmed.

Specification

In response to the requirement for an abstract of the disclosure, an abstract is submitted herewith as a separate sheet at the end of this paper following the marked versions of the amended and new claims.

Claim Rejections - 35 USC 112

Claims 15, 16, 18, 20 and 22 have been rejected as indefinite under 35 USC 112 in view of the word "improved" in the preamble of claim 15. The word has been deleted in all of the amended and new claims, thereby rendering the rejection moot.

Claim Objections

Claims 16, 18, 20 and 22 have been objected to for improper dependencies and other formal defects. The Examiner's patient and constructive explanations of the objections is noted with appreciation. The improper dependencies and other defects have been corrected in the amended claims and avoided in the new ones such that this objection is no longer applicable.

Claim Rejections - 35 USC 102

Claims 15, 16 and 18 have been rejected as anticipated by US 4,053,668 (Kimmel et al.). Reconsideration is requested in view of the amendments made herein and the following discussion.

None of the amended and new claims is anticipated by Kimmel et al.

Kimmel et al. discloses unitary backings for tufted carpets. The backings have staple fibers needled to a woven synthetic scrim. As described at Col. 2 lines 55-58 and Col. 3 lines 1-7 of the reference, needling of the staple fiber develops a fiber layer on one or both surfaces of the scrim. Nylon staple fibers and scrims woven from polypropylene ribbons are specifically disclosed. The backings are described as "unitary," meaning that they are tuftable, dimensionally stable and eliminate need for

secondary backings in carpets (Summary Of The Invention at Col. 1 l. 56-66; Col. 4 l. 16-19; Claim 1).

In contrast to the backings of Kimmel with their layer or layers of needled staple fibers, the backings of claims 15, 16 and 40-51 comprise a spunbonded or self-bonded nonwoven fabric. Also in contrast to the reference, those nonwoven fabrics comprise continuous filaments. Neither the claimed nonwoven fabrics nor their continuous filaments is disclosed in Kimmel et al.

Claims 46-50, which all depend ultimately from claim 15, as well as independent claim 52 and its dependent claims 53-58, further distinguish over Kimmel et al. because they are for secondary backings in which a nonwoven fabric is attached to a woven fabric with an open weave. Kimmel et al.'s backings are not secondary backings, but rather, tuftable backings that eliminate need for secondary backings. In any event, Kimmel et al.'s scrim is not an open weave fabric, as not only indicated by its tuftability but emphasized by the reference's description at Col. 2 lines 36-43 of preferred scrims with compacted or overlapped warp yarns and essentially full weft coverage (warp yarns 0.045 inch wide @ 30 yarns per inch = 1.35 inches of yarn surface per 1 inch of scrim; weft yarns 0.09 inch wide @ 11 yarns per inch = 0.99 inch of yarn surface per 1 inch of scrim).

Kimmel et al. also fails to disclose backings with a woven fabric with spun weft yarns, as in claims 47-50 and 56-59.

Claims 44 and 51 also differ from Kimmel et al. because there is no disclosure in the reference concerning melting temperatures of the resins of its fibers and the yarns of its scrims.

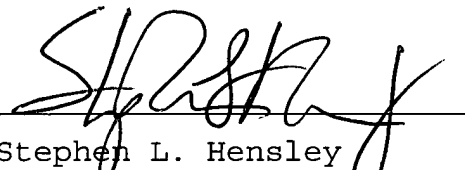
Claims 49, 50 and 57-59 further differ from Kimmel et al. because neither woven fabrics with a 16 x 5 count nor leno weave constructions are disclosed by the reference, nor would open weave fabrics with such constructions be useful for Kimmel et al.'s stated purposes and objectives.

In view of the above, it is clear that none of the amended and new claims is anticipated by Kimmel et al. and the rejection based thereon should be withdrawn.

Conclusion

In view of the amendments made herein, the accompanying Abstract and the foregoing reasons for reconsideration of the rejections, it is submitted that the subject application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Hensley", is written over a horizontal line.

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Amended and New Claims with Additions Added by Amendment
Underlined and Deletions Bracketed

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15. (amended) [An improved] A carpet backing comprising a nonwoven adhesive fabric needled or thermally bonded to a supporting fabric, wherein the nonwoven adhesive fabric is a self-bonded or spunbonded nonwoven fabric comprising continuous filaments of a thermoplastic resin and the supporting fabric is a tuftable woven primary backing fabric comprising thermoplastic warp and weft yarns having substantially rectangular cross-sections, or an open weave secondary backing fabric comprising thermoplastic warp yarns with a substantially rectangular cross-section and thermoplastic weft yarns that are spun yarns or yarns having a substantially rectangular cross-section.

16. (amended) [The improved] A primary carpet backing [of Claim 14] according to Claim 15 in which the supporting fabric is a tuftable, woven primary backing fabric comprising thermoplastic warp and weft yarns having substantially rectangular cross-sections.

40. (new) The primary carpet backing of Claim 16 in which the supporting fabric is a polyolefin fabric.

41. (new) The primary carpet backing of Claim 40 in which the supporting fabric is woven from polypropylene yarns.

42. (new) The primary carpet backing of Claim 41 in which the nonwoven fabric is a spunbonded fabric.

43. (new) The primary carpet backing of Claim 41 in which the nonwoven fabric is a self-bonded fabric.

44. (new) The primary carpet backing of Claim 41 in which the substantially continuous filaments comprise a

thermoplastic resin having a melting point at least about 20°C less than the melting point of the thermoplastic resin of the yarns of the supporting fabric.

45. (new) The primary carpet backing of claim 16 tufted with carpet face yarn.

46. (new) A secondary carpet backing according to Claim 15 in which the supporting fabric is an open weave secondary carpet backing fabric comprising thermoplastic warp yarns with a substantially rectangular cross-section and thermoplastic weft yarns that are spun yarns or yarns having a substantially rectangular cross-section.

47. (new) The secondary carpet backing according to claim 46 in which the weft yarns comprise spun yarns.

48. (new) The secondary carpet backing of claim 47 in which the warp and weft yarns comprise polypropylene yarns.

49. (new) The secondary carpet backing of Claim 48 in which the warp and weft yarns are woven in a 16 X 5 count.

50. (new) The secondary carpet backing of Claim 49 in which the warp and weft yarns are woven in a leno weave.

51. (new) The secondary carpet backing of Claim 15 in which the substantially continuous filaments comprise a thermoplastic resin having a melting point at least about 20°C less than the melting point of the thermoplastic resin of the yarns of the supporting fabric.

52. (new) A secondary carpet backing comprising a needlepunched nonwoven fabric comprising filaments of a thermoplastic resin needled or thermally bonded to an open weave fabric woven from thermoplastic warp yarns of substantially rectangular cross-section and weft yarns that

are spun yarns or that have a substantially rectangular cross-section.

53. (new) The secondary carpet backing of Claim 52 in which the filaments of the needlepunched nonwoven fabric are continuous filaments.

54. (new) The secondary carpet backing of claim 52 in which the filaments of the needlepunched nonwoven fabric are staple fibers.

55. (new) The secondary carpet backing of claim 52 in which the warp and weft yarns of the open weave fabric are polypropylene yarns.

56. (new) The secondary carpet backing of claim 55 in which the weft yarns are spun yarns.

57. (new) The secondary carpet backing of Claim 56 in which the polypropylene yarns are woven in a 16 x 5 count.

58. (new) The secondary carpet backing of claim 57 in which the filaments of the needlepunched nonwoven fabric are staple fibers.

59. (new) The secondary carpet backing of Claim 58 in which the polypropylene yarns are woven in a leno weave.